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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,600	12/13/2000	Lorenz Camenzind	P/543-103	1539
2352	7590	11/02/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			VERBITSKY, GAIL KAPLAN	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/674,600	Applicant(s) CAMENZIND ET AL.	
	Examiner Gail Verbitsky	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, 11-23, 26-38 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S.4854045) in view of Vinci.

Schaub discloses in Figs. 1-2 a multifunctional tool comprising at least one pocket knife and at least one display device/ LCD 21 for displaying a sensed/ measured value by a tool hand (sensor, col. 2, lines 36-38) 12, 13. The device also comprises at least two covers (casing/ modules) 20, 26; outer cover modules (cover plates) 23, 25 connected by connecting means (mechanical and electronic) 8, 11, 31, 35 and (pins) 36, 46. The device 21 can releasably snap in/ out. The device further comprises, a memory module (storing means) to store measured data, an emergency transmitter module (sensing member) 1, batteries, entry keys (menu device) 22, watch (time). Schaub states that the number of modules can be expanded depending on the number of measuring devices contained in the modules. Thus, in a broad sense, it is considered that Schaub suggests measuring a plurality of values. Although Schaub does not explicitly describe a microprocessor and a converter, however, since the device has a calculator, it would be inherent to have a microprocessor and a converter, since it is well known in the art that the microprocessor and convertors are part of the calculators.

For claims 22-23: The device can comprise an emergency transmitter module (Emergency Localization transmitter. Thus, it would imply that it comprises an interface to transmit an emergency signal to a receiving remote station (Emergency Localization). This would imply, that the device would have an access control member and thus, an access control circuit, for providing (emitting) an emergency signal (access signal) recognizable by an institution. It is inherent, that the device/ display can be switched on/ off. As shown in Fig. 2, the cover plates are mounted on the casing as a whole/ integral. Applying a pressure onto a key 22 of a keyboard, a menu circuit can be operated.

For claim 28: according to Fig. 2, the cover plate can be releasably removed from the device.

For claim 29: means 23 is a cover plate, and the LCD is mounted to the cover plate.

For claim 30: means 23 is a casing, and the display is mounted to the casing.

Although Schaub suggests having a sensor, Schaub does not explicitly suggest measuring a physical value and a plurality of sensors sensing/ measuring a plurality of physical values, as stated in claim 1, in combination with the remaining limitations of claims 1-3, 5-8, 11-23, and 26-38.

Vinci discloses a multifunctional hand held device for measuring a plurality of physical values by using a plurality measuring/ sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation. Vinci teaches to incorporate a pressure-measuring sensor to measure pressure in the device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to have a plurality of

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measuring devices to measure a plurality of physical values including a pressure, as taught by Vinci, so as to provide the user with a multiple purpose device, while allowing the user to keep the device in the pocket.

3. Claims 4, 10 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-23, 26-38 above, and further in view of La Neve (U.S.634719).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claims 4, 10.

La Neve discloses a tool (arm 16 with a spatula 14) comprising a retractable temperature sensing awl 10 with a temperature feeler.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a temperature sensing awl, as taught by La Neve, to the device disclosed by Schaub and Vinci, so as to make the device useful as a temperature sensing probe useful during camping food preparation.

4. Claim 25 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-23, 26-38 above, and further in view of Tymkewicz.

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claim 25.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub and Vinci, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the longevity of the device.

5. Claim 24 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-38 above, and further in view of Hwang (U.S. 5883306).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claim 24.

Hwang discloses a multipurpose (multifunctional) tool having measuring sensors and an illuminating unit (flash light) 71.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flash light, as taught by Hwang, to the device disclosed by Schaub and Vinci, so as to provide the user with light allowing the user to operate the device during camping or in another environment when lack of illumination.

6. Claims 9, 24 and 41 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-23, 26-38 above, and further in view of McIntosh (U.S. 5313376).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claims 9, 24 and 41.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub and Vinci, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flash light, as taught by McIntosh, to the device disclosed by Schaub and Vinci, so as to provide the user with light allowing the user to operate the device during camping or in another environment when lack of illumination.

8. Claims 1, 39-40 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub in view of Kubota et al. (U.S. 5724317) [hereinafter Kubota].

Schaub discloses a device in the field of applicant's endeavor. Schaub discloses all the limitations of the instant application with the exception of a barometer and altimeter (measuring atmospheric pressure and altitude), as stated in claims 39-40.

Kubota discloses a device having means for measuring and displaying a plurality of physical values such as athmospheric pressure (barometer) and altitude, temperature. All measuring means are located within the same casing, which, inherently, makes the device function as a multifunctional tool.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a barometer and an altimeter, as taught by Kubota, to the device disclosed by Schaub, so as to provide the user with more data that desirable to obtain especially when the user is camping/ traveling/diving.

Response to Arguments

9. Applicant's arguments filed on August 09, 2004 have been fully considered but they are not persuasive.

Applicant states that the in response to applicant's argument that there is no suggestion to combine references (Schaub and Vinci), and that Vinci teaches that the device cannot be miniaturized and made as a compact pocketknife. This argument is not persuasive because, the examiner recognizes that there should be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. the test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). The references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. Also, A) Examiner uses Vinci as a secondary reference only for it's teaching that a plurality of sensors can be positioned in the same housing, i.e., pocket knife housing, B) The Examiner, in her rejection on the merit, by combining Schaub and Vinci, does not attempt to "miniaturize" the device of Vinci, Also, C) the limitations including the term "miniaturize" are not stated in the claims. It is the claims that define the claimed invention, and it is claims, not specification that are anticipated or unpatentable. Constant v. Advanced Micro-Devices, Inc., 7 USPQ2d 1064.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Liu (U.S. 5652587) teaches that a knife can be combined with a remote control (access member having an access control circuit), which emits a (access) signal to remote equipment.

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Any inquiry concerning this communication should be directed to the Examiner Verbitsky who can be reached at (571) 272-2253 Monday through Friday 8:00 to 4:00 ET.

GKV

Gail Verbitsky
Primary Patent Examiner, TC 2800



October 29, 2004